

## **PERSONNEL DEPARTMENT LAYOFF APPEAL PROCEDURE**

Charter Section 1015 (f) reads “the Board shall have the same power and duty to review as to regularity of procedure all cases of suspension for lack of work, lack of funds or abolishment of position or otherwise, as elsewhere provided in the Charter for removal, discharge, or suspension for cause; but the question of the necessity for such suspension for lack of work, lack of funds or abolishment of position shall **not** be subject to such review”.

The Board and Personnel Department will use the following procedure in addressing all layoff appeals:

1. Any person in the classified Civil Service of the City who has been laid off in accordance with Charter Section 1015 may make a written appeal to the Board of Civil Service Commissioners (Board) that it review the layoff as to regularity of procedure. Regularity of procedure in this case refers to the computation of layoff or displacement seniority and the application of this seniority in accordance with Civil Service Rule 8.
2. Written appeals against a layoff must be filed with the Board Office within five calendar days after the effective date of the layoff. The written appeal must include: the signature of the employee or their authorized representative, mailing address, telephone number, and a clear detailed statement of the nature of the irregularity of procedure.
3. Appeals questioning the necessity for layoffs will not be accepted. This includes challenges against layoff for lack of funds, lack of work or abolishment of positions. Additionally, appeals questioning the accuracy of an employee’s work history will not be accepted. Employees were given the opportunity to review their individual work histories (prior to the call for a layoff) and were instructed to make the appropriate changes prior to returning them back to the Personnel Department.
4. All appeals concerning layoffs shall be referred to the Personnel Department for administrative review. After an investigation, staff of the Personnel Department will submit a written report to the Board with copies made available to the affected employee or their representative.
5. The Board will refer all layoff appeals to an Expert Review Panel. All matters referred by the Board to this Expert Review Panel will be reviewed in compliance with the Board’s Rules and Policies. The Expert Review Panel will consist of up to two (2) Civil Service Commissioners and one (1) Personnel Department Manager.

After considering the merits of the appeal the Expert Review Panel shall either:

1. Find that there has been no irregularity of procedure and deny the appeal,  
**or**
2. Find that there is evidence of procedural irregularity and take the appropriate action to correct the matter.

If it is determined after an appeal has been considered that the layoff is incorrect, the Department in which the layoff occurred will be officially notified of the following:

1. The correct employee to be laid off.
2. That the employee who was laid off in error should have his/her salary adjusted for the period in which he/she was incorrectly excluded from performing the duties of his/her class.
3. That seniority for the employee who was laid off in error, and the employee to be laid off, will be adjusted in accordance with Civil Service Commission Rule 7.12.

5/08